

Applicant: Coppens, et al
Serial No.: 10/633,231
Filed: August 2, 2003
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REMARKS

In response to the July 14, 2005 Office Action, applicant's submit a proposed drawing correction of FIG. 9A. The correction shows the addition of a generic "accessory device" as recited in the specification at page 3, lines 5-14, page 6, lines 16-27, page 7, lines 12-24, and claim 6. The accessory device is shown to attach to the device adaptor 52 with the illustrated pins 51.

Applicants request clarification regarding the Examiner's withdrawal of claim 47 from further consideration and his subsequent rejection of claims 41-47. Further clarification is requested regarding the dependency of claims 41-47 on claim 36 (which has also been withdrawn from consideration) including the intervening claims and whether the Examiner has examined these claims. Until clarified, applicants have presented a current set of claims indicating the status consistent with the Examiner's first paragraph of the Office Action.

The Examiner has withdrawn the indicated allowability of claims 17-30, 33-35 and 41-46 and presented four new rejections. Claims 17, 18, 20-28 and 33-35 have been rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent 5,806,116. Applicants respectfully disagree.

The Examiner states that Oliver '116 discloses asymmetric spacing because one upper index positioning means 15 on a first side is asymmetrically spaced from one lower, or offset, index positioning means on a second side. This reading is an overly broad interpretation of the Oliver reference and is contrary to the specific teaching of the present invention.

Each of the rejected present claims in this grouping require at least one positioning feature on a first side of the patient support device asymmetrically spaced from at least one positioning feature on a second side. The present specification clearly defines and spells out the configuration of asymmetric spacing as well as the functionality. For example, on page 8, lines 8-20 applicants teach that asymmetric

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spacing results in a positioning feature on one side of the device with the directly opposing side area free of a positioning feature. Furthermore, asymmetric spacing enables a more secure attachment of an accessory device adaptor or a more secure attachment of the accessory itself. In addition to the specification, Figure 10 clearly shows the asymmetric spacing of the present invention.

Oliver '116 does not teach disclose or suggest the present invention and clearly shows symmetric spacing of positioning features because a second positioning feature is directly opposing the first positioning feature. Thus, the rejection should be withdrawn.

In a similar vein, claims 17, 19, 21, 22, 25, 27, 29, 30 and 33 have been rejected under 35 U.S.C. 102(b) as anticipated by WIPO Publication WO 01/35828. The WIPO publication is presented in German and corresponds to U.S. Patent 6,769,145 to Pfeuffer, et al. Applicants respectfully disagree with the Examiner's characterization of Figures 1 and 4 of the reference.

According to the Examiner WIPO '828 teaches asymmetric spacing of index positioning means and that a positioning means is any portion or extent of an edge. The Examiner further interprets asymmetric spacing as one portion of the edge on a first side offset from one portion or extent on a second side. Such a broad interpretation is contrary to the specific teachings of the present invention.

As discussed above, applicants teach that asymmetric spacing results in a positioning feature on one side of the device with the directly opposing side area free of a positioning feature. WIPO '828, on the other hand, does not teach positioning features at all but teaches a patient support surface 10 connected to the head 12 of a support column 14. The support surface 10 consists of a table plate 16 and a guide unit 18, which includes an upper guide housing 20 and a lower guide housing 22. The table plate 16 is slidably guided in the upper guide housing 20 in its longitudinal direction. Not only does WIPO '828 fail to teach positioning features but it fails to teach asymmetric spacing as disclosed in the present invention. As every claim rejected requires asymmetric spacing of positioning features, the rejection should be withdrawn.

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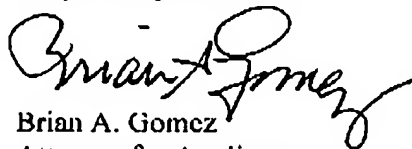
Claims 17, 21 and 25-28 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Design Patent 355,988 to Brooking. Brooking teaches an ornamental design for a stackable/nestable bed. The Examiner interprets the stackable bed as disclosing asymmetric spacing of positioning features. Applicants respectfully disagree.

As discussed above, the present invention specifically discloses and claims asymmetric spacing of positioning features. Asymmetric spacing results in a positioning feature on one side of the device with the directly opposing side area free of a positioning feature. Brooking simply does not teach, disclose or suggest such an arrangement and the rejection should be withdrawn.

The final rejection consists of a rejection of claims 17-19, 21-30, 33-35 and 41-47 under 35 U.S.C. 103(a) as unpatentable over WIPO '828 in view of Oliver '116. As discussed previously, both WIPO '828 and Oliver '116 do not teach, disclose or suggest the asymmetric spacing of the present invention. Since these references fail to teach an essential portion of the present invention, the combination of the two references cannot together cure the deficiencies. Therefore, the rejection should be withdrawn.

In view of the above amendments, the proposed drawing correction and remarks, Claims 17-19, 21-30, 33-35 and 41-47 are considered to represent a novel and unobvious advance in the art. Prompt issuance of a Notice of Allowance for these claims is in order and such action is requested. If any issues remain outstanding, the Examiner is urged to contact the undersigned agent to expedite their resolution.

Respectfully submitted,



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